

48A C.J.S. Judges § 246

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IX. Disqualification to Act

C. Grounds for Disqualification

1. In General

a. Generally

§ 246. Physical disability

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  39

Illness or physical disability incapacitating a judge can be considered a judicial disqualification.

Illness or physical disability or other condition incapacitating a judge is included within the term "disqualification" as used in statutes providing for the trial of cases where a judge is disqualified.¹ A blind judge should not preside at a hearing where, because of an inability to see, the judge is unable to evaluate a critical exhibit without calling upon another person to describe it to the judge.²

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Footnotes

1 Utah—[In re Thompson's Estate](#), 72 Utah 17, 269 P. 103 (1927).

2 N.Y.—[People v. Brown](#), 62 N.Y.2d 743, 476 N.Y.S.2d 823, 465 N.E.2d 362 (1984).